



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF MAY 12, 2010

RE: *Sweeney Canyon, LLC Development Plan and Consistency Rezone; 09DVP-00000-00005, 09RZN-00000-00004*

Hearing on the request of Tish Beltranena of MNS Engineers, Inc. agent for Sweeney Canyon, LLC, owner, to consider the following:

- a) **09RZN-00000-00004**, [application filed on February 25, 2009] proposing to rezone 10.04 acres from 40-AG to AG-II-40 in compliance with Chapter 35.104 of the County Land Use and Development Code;
- b) **09DVP-00000-00005** [application filed on February 25, 2009] for approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to develop a new winery of approximately 21,500 square feet; and

to adopt the Negative Declaration (10NGD-00000-00002) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics/Visual Resources, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Hazardous Materials/Risk of Upset, Noise, Public Facilities, Transportation/Circulation, and Water Resources/Flooding. The ND and all documents may be reviewed at the Planning and Development Department at 624 West Foster Road, Suite C, Santa Maria. The ND is also available for review at the Santa Maria Public Library located at 421 South McClelland Street, Santa Maria, CA 93454. The application involves Assessor's Parcel Number 099-150-063 located approximately 1 mile east of the City of Lompoc, southeast of Hwy 246, commonly known as 2050 Sweeney Road, Lompoc area, Fourth Supervisorial District. (Continued from 4/14/10)

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of May 12, 2010, Commissioner Valencia moved, seconded by Commissioner Brown and carried by a vote of 4 to 1 (Blough no) to accept the comment letter from the Environmental Defense Center dated May 10, 2010.

At the Planning Commission hearing of May 12, 2010, Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 4 to 1 (Brooks no) to:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of the staff report, dated March 26, including CEQA findings, as amended by the staff memorandum dated April 14, 2010.
2. Recommend that the Board of Supervisors adopt the Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval.
3. Recommend that the Board of Supervisors adopt a Rezone Ordinance (Attachment D of the staff report, dated March 26, 2010) for APN 099-150-063, amending the Inland Zoning Map.
4. Recommend that the Board of Supervisors approve the project subject to the conditions included as Attachment B of the staff report, dated March 26, 2010, as amended at the hearing on May 12, 2010.

REVISIONS TO THE STAFF REPORT

Section 1.0, Request modified as follows:

Hearing on the request of Tish Beltranena of MNS Engineers, Inc. agent for Sweeney Canyon, LLC, owner, to consider Case Nos. 09RZN-00000-00004, & 09DVP-00000-00005 [applications filed on February 25, 2009] proposing to rezone 10.04 acres from 40-AG to AG-II-~~40100~~ in compliance with Chapter 35.104 of the County Land Use and Development Code; and approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to develop a new winery of approximately 21,500 square feet and;

Section 2.0, Recommendations and Procedures modified as follows:

Follow the procedures outlined below and conditionally approve Case Nos. 09RZN-00000-00004 & 09DVP-00000-00005 marked "Officially Accepted, County of Santa Barbara, May 12, 2010 ~~April 14, 2010~~, County Planning Commission Exhibit 1, based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of this staff report, including CEQA findings, as revised at the hearing of May 12, 2010.
2. Recommend that the Board of Supervisors adopt the Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval.

3. Recommend that the Board of Supervisors adopt a Rezone Ordinance (Attachment D) for APN 099-150-063, amending the Inland Zoning Map.
4. Recommend that the Board of Supervisors approve the project subject to the conditions included as Attachment B, as revised at the hearing of May 12, 2010.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

REVISIONS TO THE FINDINGS (ATTACHMENT A)

Finding 1.2 is modified as follows:

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record, including the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

Finding 1.4 is modified as follows:

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) +5091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

Section 3.0, Development Plan Findings, Finding 3.1.9 is added as follows:

3.1.9. The setbacks may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).

- (1) **There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).**
- (2) **The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.**

- (3) The setback reduction is proposed for a legally constructed existing structure, and as indicated below.
- a. It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and
 - b. The use of the structure as part of a winery operation shall not adversely affect neighboring properties.
- (4) The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.

The winery will be setback approximately 113 feet from the northwest property line (APN 099-141-019) which is 87 feet less than the required setback of 200 feet. The nearest existing residence is located approximately 300 feet to the south, which is 100 feet less than the required setback of 400 feet. Planning and Development supports the reduced setbacks pursuant to LUDC Section 35.42.280 which allow the Review Authority to grant reduced setbacks. APN 099-141-019 is a County owned property which is currently developed with a commercial road yard operation. A existing storage building of approximately 2,400 sq. ft. will be relocated approximately 300 feet from the existing single family residence on the adjacent parcel to the south. Approximately 2 acres of planted vineyard will be located between the storage structure and single family residence.

Winery building "A" will be located approximately 400 feet from this residence, which meets the required setback. The special events will occur on weekends only between the hours of 11:00 a.m. and 7:00 p.m. No outdoor amplified sound is permitted. Crushing and processing activities associated with wine production will occur inside the proposed winery buildings or in covered outdoor areas with adequate buffers including buildings, and vineyard to shield residences to the south and northeast from noise generated from the project. Therefore, the project will not result in adverse impacts to neighboring properties. The winery location was chosen in order to minimize potentially significant impacts to the Santa Ynez River. The project is consistent with this finding.

Section 3.0, Development Plan Findings, Finding 3.1.10 is added as follows:

3.1.10 Special Event Site Area: The minimum winery premises area on which a special event may occur is 20 acres. However, this requirement may be reduced by the decision-maker with jurisdiction over the project upon a determination that the character of the area, access, and the type of special event make a 20-acre winery premises site area unnecessary.

The project site is approximately 10.04 acres in size. The subject parcel is able to provide adequate access and parking area to serve the special events. The project reduces the number of special events (10 instead of 12), and a maximum attendees (100 instead of 200) from the

LUDC standard. Therefore, a reduction in the 20 acre minimum site area on which a special event may occur is consistent with this finding.

REVISIONS TO CONDITIONS OF APPROVAL (ATTACHMENT B)

Condition #1, Project Description, is modified as follows:

1. The proposed project is a request of Shelly Ingram of MNS Engineers, Inc., agent for Sweeney Canyon, LLC, owner, to consider Case Nos. 09RZN-00000-00004, and 09DVP-00000-00005 for the approval of: 1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the LUDC, and 2) a Development Plan for a new 21,500 sq. ft. winery consistent with the Comprehensive Plan and the Santa Barbara County Land Use and Development Code (LUDC).

1) Consistency Rezone (09RZN-00000-00004)

The proposed winery project would require a consistency rezone. The subject 10.04 acre parcel is non-conforming as to size and is currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. In order to be consistent with the current Land Use and Development Code, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40).

2) Development Plan (09DVP-00000-00005)

The proposed winery would be located on a 10.04 gross / 9.68 net acre parcel currently developed with an existing 2,300 sq. ft. single family dwelling, 3,042 sq. ft. barn, 2,400 sq. ft. agricultural storage shed. Total proposed development associated with the winery would be 21,500 square feet as follows:

- 1) Building A: Two story 8,146 sq. ft. winery processing facility containing 1,254 sq. ft. of administration, office, meeting area and laboratory space for a total of approximately 10,000 sq. ft. The building would have a maximum height of 41 feet, with approximately 1,022 sq. ft. of storage/office space located on the second story; and associated signage.
- 2) Building B: Single story 8,500 sq. ft. winery processing and storage facility containing 1,500 sq. ft. of administration and lab space, and a 1,500 sq. ft. tasting room for a total of 11,500 sq. ft. The building would have a maximum height of 41 feet; and associated signage.

The proposed project also includes the demolition of the following structures:

- 1) Small Tower Building of approximately 121 sq. ft.

- 2) Storage Building of approximately 660 sq. ft.
- 3) Retaining wall of approximately 6 feet in height, 310 feet in length

In accordance with LUDC Section 35.42.280.C.3, Wine production would be limited to a maximum of 10,000 cases annually. The wine produced onsite would come from grapes grown on the property (approximately 5.6 acres), and other sites in Santa Barbara and San Luis Obispo Counties in accordance with County zoning ordinance requirements. Winery process would include grape crushing, destemming, fermenting, wine settling, wine finishing, bottling, cleaning, and storing. Fermentation would occur in steel tanks, food grade plastic vats, or oak barrels.

Winery production would normally occur daily and between the hours of 8:00 a.m. and 5:00 p.m. However, during peak crush extended hours may be necessary. During regular operation, a maximum of 6 employees would be involved in the wine production operations with general winery staff increasing to approximately 7-10 during crush season. The project includes 74 parking spaces onsite, and would be maintained for employee and winery use with additional overflow parking to accommodate special events, limos, and buses to be located on interior winery maintenance roads on the northeast property line.

Water for winery facilities would be provided via the existing onsite well. Filtered water for fire suppression would be available from a proposed stored water pond with a capacity of 104,593 gallons. Production wastewater from the winery would be directed to a proposed California Regional Water Quality Control Board (RWQCB) approved waste discharge system. An additional septic system is proposed to provide disposal for domestic uses onsite. Solid waste from wine production (grape skin and stem pumice) would be distributed in the existing vineyard in accordance with an Environmental Health Services approved Solid Waste Management Plan. All exterior lighting would be hooded and directed downward and away from adjacent properties and roadways.

The winery is proposing to have 10 annual special events with a maximum of 100 attendees at each event. No outdoor amplified sound is allowed. ~~Indoor amplified music for special events is proposed between the hours of 11 a.m. to 6 p.m.~~ The proposed special events are as follows:

- 1) Valentine's Day Pink Party (February, 1 weekend day, 11 a.m. – 7 p.m.)
- 2) Sommelier Education Wine Tasting (March, 1 weekend day, 11 a.m. – 7 p.m.)
- 3) Spring Release Celebration (April, 1 weekend day, 11 a.m. – 7 p.m.)
- 4) Wine Club Luncheon (June, 1 weekend day, 11 a.m. – 7 p.m.)
- 5) Fiddle Fest (July, 1 weekend day, 11 a.m. – 7 p.m.)
- 6) Harvest Festival (October – 1 weekend day, 11 a.m. – 7 p.m.)
- 7) 4 other events TBD (May, June, August, and September; 1 weekend day, 11 a.m. – 7 p.m.)

Grading would consist of 6,545 cu. yd. cut, and 1,556 cu. yd. fill; including the installation of a 27,500 cu. ft. irrigation pond. Access to the winery would be provided by an all weather driveway of approximately 24 feet in width with an approximate total length of 260 feet accessed via Sweeney Road.

Condition #13 is modified as follows:

13. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 ~~7:00~~ a.m. and 5:00 ~~4:00~~ p.m., Monday through Friday unless otherwise specified. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

Condition #14 is modified as follows:

14. ~~No outdoor amplified sound is permitted. All speakers used for amplified sound shall be oriented away from adjacent residences to avoid noise impacts to surrounding neighbors. Any special event that includes amplified sound shall only be permitted between the hours of 11:00AM to 6:00PM.~~ **Plan Requirements/Timing:** this requirement shall be clearly indicated in all contracts with those renting/leasing the site for special events.

MONITORING: Permit Compliance shall respond to complaints.

Condition #40 is modified as follows:

40. **Landscape Requirements:** One ~~Two~~ performance security shall be provided by the applicant prior to Zoning Clearance issuance, ~~one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items.~~ The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. ~~The installation security shall be released upon satisfactory installation of all items in section (a).~~ If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. Landscaping shall be maintained for the life of the project. The ~~installation~~ maintenance security shall guarantee compliance with the provision below:

- a. Maintenance ~~Installation~~ of planting, irrigation, and seeding materials consistent with the final landscaping plans approved by the BAR prior to occupancy clearance.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the ~~both installation and maintenance security ies.~~

The attached findings and conditions reflect the Planning Commission's actions of May 12, 2010.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, May 24, 2010 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 09DVP-00000-00005, 09RZN-00000-00004
Planning Commission File
Owner: Sweeney Canyon, LLC, P.O. Box 82, Buellton, CA 93427
Engineer: John A. Smith, Tartaglia Engineering, P.O. Box 1930, Atascadero, CA 93423
Agent: Trish Beltranena, MNS Engineers, Inc., 201 Industrial Way, Buellton, CA 93427
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD

Joni Gray, Fourth District Supervisor
Joe H. Valencia, Fourth District Planning Commissioner
Rachel Van Mullem, Deputy County Counsel
Dana Carmichael, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval
 Attachment D – Draft Ordinance/Resolution

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record, including the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.0 ADMINISTRATIVE FINDINGS

2.1 REZONE FINDINGS

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

2.1.1 The request is in the interests of the general community welfare.

The rezone will bring the subject parcel into conformance with the current ordinance, the County's Land Use and Development Code (LUDC). The rezone will not change the fundamental intent of the current zone district. The subject parcel is currently zoned for agricultural use and will remain zoned for agricultural use. All types of agriculture allowed under the current zoning district will be allowed under the proposed zoning district. Rezoning the parcel will also facilitate permitting for new agricultural or other

types of development. Therefore, the project is in the interests of the general community welfare.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.

State law requires zoning ordinances to be consistent with the Comprehensive Plan. The subject parcel is designated Agriculture II, 40 acre minimum lot area (A-II-40) under the County Comprehensive Plan. The request will rezone the subject parcel from the antiquated 40-AG zone district under Ordinance 661 to the current AG-II-40 zone district under LUDC Section 35.21. The AG-II-40 zoning district is consistent with the objectives, policies and general land uses in the A-II-40 plan designation. Therefore, the rezone is consistent with this finding.

2.1.3 The request is consistent with good zoning and planning practices.

The subject parcel is currently zoned under Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, and then again in 2006 with the Inland LUDC. The subject parcel and numerous other parcels in rural areas are still subject to the outdated Ordinance 661. Therefore, the request is consistent with good zoning and planning practices.

The request will replace the existing antiquated zoning in Ordinance 661 with the current zoning in the LUDC. This will help implement a uniform and up-to-date zoning ordinance throughout the inland area. The benefits of the rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner will enjoy full use of the parcel consistent with other parcels that are already subject to LUDC zones and allowable uses. Therefore, the rezone is consistent with this finding.

3.0 DEVELOPMENT PLAN FINDINGS

3.1 A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

3.1.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

The project site is approximately 10.04 acres and is located in a rural area of the County surrounded by parcels developed with single family dwellings, a homeless shelter, and low intensity agricultural uses. The project will be consistent with the surrounding area architecturally, and will not significantly change the visual character of the area. Due to

the project's location and existing structural development, no impact to a scenic view or vista will occur as a result of the project. The Board of Architectural Review has reviewed and conceptually approved the structures to ensure visual compatibility. Final Board of Architectural Review approval is required (see Attachment B). Upon completion of development, the site will contain approximately 29,242 square feet of total development which represents approximately 7% in total lot coverage. Approximately 6.0 acres of the site will remain open area. The physical characteristics, shape and size of the site are adequate to support both the project. Therefore, the project is consistent with this finding.

3.1.2 Adverse impacts will be mitigated to the maximum extent feasible.

The environmental analysis performed for this project and contained in 10NGD-00000-00002 (Attachment C) identified potentially significant, but mitigable impacts to Aesthetics/Visual Resources, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Hazardous Materials/Risk of Upset, Noise, Public Facilities, Transportation/Circulation, and Water Resources/Flooding. Adherence to required mitigation measures will ensure that adverse impacts are mitigated to the maximum extent feasible. Therefore, the project is consistent with this finding.

3.1.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

Project vehicular access is taken directly from Sweeney Road which is accessed via Highway 246. The incremental project increase in traffic is far below the County's thresholds and will not result in a degradation of the current Level of Service on surrounding roads or highways. Therefore, the project will be consistent with this finding.

3.1.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

Domestic water and sewage service will be provided to the project by an existing water well. Domestic wastewater will be accommodated via a septic disposal system in compliance with EHS requirements. Process wastewater will be directed to a proposed California Regional Water Quality Control Board (RWQCB) approved waste discharge system. Adequate fire and police protection are available to serve the project. Therefore, the project is consistent with this finding.

3.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The project site is located in an agricultural zone district (AG-II-40) that allows Tier III wineries subject to the discretionary approval of a Final Development Plan. The project conforms with County policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. Structural designs, project siting,

and appropriate conditions have been incorporated into the project in order to avoid any detrimental effect to the neighborhood, and incompatibility with the surrounding areas. Therefore, the project is consistent with this finding.

3.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

The project conforms to all applicable requirements of the Comprehensive Plan and is not subject to any community or area plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the both the AG-II zone district, and winery requirements. Therefore, the project is consistent with this finding.

3.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

As an agriculturally related use, the structural development will be compatible with the immediately surrounding single family dwellings, equestrian uses, low-intensity agriculture, and grazing on adjacent properties. When completed, the structural development will cover approximately 7% of the 10.04 acre site and be adequately screened from public views. As a condition of approval the owner shall submit a landscape plan to ensure compliance with the rural area and public view off U.S. Highway 246. Therefore, the project is consistent with this finding.

3.1.8. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

The project does not conflict with any public easements and there currently is no public use of the subject property. Therefore, the project is consistent with this finding.

3.1.9. The setbacks may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).

- (1) **There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).**
- (2) **The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.**
- (3) **The setback reduction is proposed for a legally constructed existing structure, and as indicated below.**

- a. **It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and**
 - b. **The use of the structure as part of a winery operation shall not adversely affect neighboring properties.**
- (4) **The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.**

The winery will be setback approximately 113 feet from the northwest property line (APN 099-141-019) which is 87 feet less than the required setback of 200 feet. The nearest existing residence is located approximately 300 feet to the south, which is 100 feet less than the required setback of 400 feet. Planning and Development supports the reduced setbacks pursuant to LUDC Section 35.42.280 which allow the Review Authority to grant reduced setbacks. APN 099-141-019 is a County owned property which is currently developed with a commercial road yard operation. A existing storage building of approximately 2,400 sq. ft. will be relocated approximately 300 feet from the existing single family residence on the adjacent parcel to the south. Approximately 2 acres of planted vineyard will be located between the storage structure and single family residence.

Winery building "A" will be located approximately 400 feet from this residence, which meets the required setback. The special events will occur on weekends only between the hours of 11:00 a.m. and 7:00 p.m. No outdoor amplified sound is permitted. Crushing and processing activities associated with wine production will occur inside the proposed winery buildings or in covered outdoor areas with adequate buffers including buildings, and vineyard to shield residences to the south and northeast from noise generated from the project. Therefore, the project will not result in adverse impacts to neighboring properties. The winery location was chosen in order to minimize potentially significant impacts to the Santa Ynez River. The project is consistent with this finding.

3.1.10 Special Event Site Area: The minimum winery premises area on which a special event may occur is 20 acres. However, this requirement may be reduced by the decision-maker with jurisdiction over the project upon a determination that the character of the area, access, and the type of special event make a 20-acre winery premises site area unnecessary.

The project site is approximately 10.04 acres in size. The subject parcel is able to provide adequate access and parking area to serve the special events. The project reduces the number of special events (10 instead of 12), and maximum attendees (100 instead of 200) from the LUDC standard. Therefore, a reduction in the 20 acre minimum site area on which a special event may occur is consistent with this finding.

B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

The project consists of a Final Development Plan, and does involve a previously approved Preliminary Development Plan; therefore, this finding is not applicable.

ATTACHMENT B: CONDITIONS OF APPROVAL

Sweeney Canyon, LLC Consistency Rezone & Development Plan

Date: May 12, 2010

I. PROJECT DESCRIPTION

1. The proposed project is a request of Shelly Ingram of MNS Engineers, Inc., agent for Sweeney Canyon, LLC, owner, to consider Case Nos. 09RZN-00000-00004, and 09DVP-00000-00005 for the approval of: 1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the LUDC, and 2) a Development Plan for a new 21,500 sq. ft. winery consistent with the Comprehensive Plan and the Santa Barbara County Land Use and Development Code (LUDC).

1) Consistency Rezone (09RZN-00000-00004)

The proposed winery project would require a consistency rezone. The subject 10.04 acre parcel is non-conforming as to size and is currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. In order to be consistent with the current Land Use and Development Code, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40).

2) Development Plan (09DVP-00000-00005)

The proposed winery would be located on a 10.04 gross / 9.68 net acre parcel currently developed with an existing 2,300 sq. ft. single family dwelling, 3,042 sq. ft. barn, 2,400 sq. ft. agricultural storage shed. Total proposed development associated with the winery would be 21,500 square feet as follows:

- 1) Building A: Two story 8,146 sq. ft. winery processing facility containing 1,254 sq. ft. of administration, office, meeting area and laboratory space for a total of approximately 10,000 sq. ft. The building would have a maximum height of 41 feet, with approximately 1,022 sq. ft. of storage/office space located on the second story; and associated signage.
- 2) Building B: Single story 8,500 sq. ft. winery processing and storage facility containing 1,500 sq. ft. of administration and lab space, and a 1,500 sq. ft. tasting room for a total of 11,500 sq. ft. The building would have a maximum height of 41 feet; and associated signage.

The proposed project also includes the demolition of the following structures:

- 1) Small Tower Building of approximately 121 sq. ft.
- 2) Storage Building of approximately 660 sq. ft.
- 3) Retaining wall of approximately 6 feet in height, 310 feet in length

In accordance with LUDC Section 35.42.280.C.3, Wine production would be limited to a maximum of 10,000 cases annually. The wine produced onsite would come from grapes grown on the property (approximately 5.6 acres), and other sites in Santa Barbara and San Luis Obispo Counties in accordance with County zoning ordinance requirements. Winery process would include grape crushing, de-stemming, fermenting, wine settling, wine finishing, bottling, cleaning, and storing. Fermentation would occur in steel tanks, food grade plastic vats, or oak barrels.

Winery production would normally occur daily and between the hours of 8:00 a.m. and 5:00 p.m. However, during peak crush extended hours may be necessary. During regular operation, a maximum of 6 employees would be involved in the wine production operations with general winery staff increasing to approximately 7-10 during crush season. The project includes 74 parking spaces onsite, and would be maintained for employee and winery use with additional overflow parking to accommodate special events, limos, and buses to be located on interior winery maintenance roads on the northeast property line.

Water for winery facilities would be provided via the existing onsite well. Filtered water for fire suppression would be available from a proposed stored water pond with a capacity of 104,593 gallons. Production wastewater from the winery would be directed to a proposed California Regional Water Quality Control Board (RWQCB) approved waste discharge system. An additional septic system is proposed to provide disposal for domestic uses onsite. Solid waste from wine production (grape skin and stem pumice) would be distributed in the existing vineyard in accordance with an Environmental Health Services approved Solid Waste Management Plan. All exterior lighting would be hooded and directed downward and away from adjacent properties and roadways.

The winery is proposing to have 10 annual special events with a maximum of 100 attendees at each event. No outdoor amplified sound is allowed. The proposed special events are as follows:

- 1) Valentine's Day Pink Party (February, 1 weekend day, 11 a.m. – 7 p.m.)**
- 2) Sommelier Education Wine Tasting (March, 1 weekend day, 11 a.m. – 7 p.m.)**
- 3) Spring Release Celebration (April, 1 weekend day, 11 a.m. – 7 p.m.)**
- 4) Wine Club Luncheon (June, 1 weekend day, 11a.m. – 7 p.m.)**
- 5) Fiddle Fest (July, 1 weekend day, 11a.m. – 7 p.m.)**
- 6) Harvest Festival (October – 1 weekend day, 11 a.m. – 7 p.m.)**
- 7) 4 other events TBD (May, June, August, and September; 1 weekend day, 11 a.m. – 7 p.m.)**

Grading would consist of 6,545 cu. yd. cut, and 1,556 cu. yd. fill; including the installation of a 27,500 cu. ft. irrigation pond. Access to the winery would be provided

by an all weather driveway of approximately 24 feet in width with an approximate total length of 260 feet accessed via Sweeney Road.

**II. MITIGATION MEASURES from NEGATIVE DECLARATION
10NGD-00000-00002**

Aesthetics/Visual Resources

2. All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval (09BAR-00000-00033). **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to issuance of Zoning Clearance Permits. Grading plans shall be submitted to P&D concurrent with, or prior to, Board of Architectural Review plan-filing.

MONITORING: P&D shall site inspect for compliance with BAR-approved final plans during construction and prior to Occupancy Clearance.

3. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to Occupancy Clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

4. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to Occupancy Clearance.

MONITORING: P&D shall inspect prior to Occupancy Clearance.

5. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

MONITORING: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of Zoning Clearance Permits for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Biological Resources

6. All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all onsite valley oak trees.
 - a. Prior to the approval of a land use permit for grading or construction, all onsite oaks shall be fenced at least six feet beyond the dripline as shown on the approved exhibit. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The applicant shall place signs stating “tree protection area” at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
 - b. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, oak tree replacement on a 10:1 ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance.
 - c. To help ensure the long term survival of onsite oaks, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

Plan Requirements and Timing: This condition shall be printed on project plans submitted for land use permit approval. Fencing shall be graphically depicted on project plans.

MONITORING: P&D shall review plans and confirm fence installation prior to land use permit approval. P&D shall conduct site inspections to ensure compliance during grading and construction.

Cultural Resources

7. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant

to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to zoning clearance issuance, and shall spot check in the field.

Fire Protection

8. Individual landscaping plans shall utilize fire resistant native species within 50 feet of the development. **Plan Requirements:** Prior to Zoning Clearance issuance, the applicant shall submit landscape plans to P&D and the Fire Department for review and approval. **Timing:** The applicant shall install the landscaping consistent with the approved plan prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect to verify landscape installation and once each year to monitor landscape maintenance during the maintenance period.

Geologic Processes

9. A Building and Safety approved Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:
 - a. Grading shall be prohibited within 200 feet of the top of bank of the Santa Ynez River. The protected area shall be designated with orange construction fencing or other barrier to prevent entry by equipment or personnel.
 - b. Methods such as geotextile fabrics, erosion control blankets, retention basins, drainage diversion structures, siltation basins and spot grading shall be used to reduce erosion and siltation into adjacent water bodies or storm drains during grading and construction activities.
 - c. All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
 - d. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
 - e. Graded areas shall be re-vegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

- f. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- g. A detailed geological and/or soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.
- h. Temporary storage of construction equipment shall be limited to a 50 by 50 foot area located outside of the 200 foot setback area from the Santa Ynez River.

Plan Requirements: The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to Zoning Clearance issuance. The plan shall be designed to address erosion and sediment control during all phases of development of the site. The applicant shall notify Permit Compliance prior to commencement of grading. **Timing:** Components of the grading plan shall be implemented prior to occupancy clearance. Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized.

MONITORING: Permit Compliance will photo document re-vegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

- 10. Grading Season:** The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

MONITORING: P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

- 11.** Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geo-textile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the

duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and Flood Control prior to zoning clearance issuance. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

MONITORING: P&D staff may perform site inspections throughout the construction phase.

Hazardous Materials/Risk of Upset

12. In the event that storage, handling, or use of hazardous materials within the provisions of AB 2185/2187 occur onsite, the applicant shall implement a Hazardous Materials Business Plan (HMBP). **Plan Requirements and Timing:** Prior to occupancy clearance, the applicant shall submit a HMBP to Fire Department for review and approval. The plan shall be updated annually and shall include a monitoring section. The components of HMBP shall be implemented as indicated in the approved Business Plan.

MONITORING: Fire Department will monitor as specified in the Business Plan.

Noise

13. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday unless the standard is revised by the County of Santa Barbara. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

14. No outdoor amplified sound is allowed. **Plan Requirements/Timing:** This requirement shall be clearly indicated in all contracts with those renting/leasing the site for special events.

MONITORING: Permit Compliance shall respond to complaints.

Public Facilities

15. Excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g. concrete asphalt). During grading and construction separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on all grading and construction plans. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

MONITORING: Building inspectors shall inspect site for bin use.

16. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to zoning clearance issuance, the applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

MONITORING: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

Transportation/Circulation

17. **Sweeney Road Parking Restriction / Parking Management Plan:** In order to prevent potential safety impacts from parked vehicles, no project related parking shall be allowed along Sweeney Road. If the parking demand exceeds the supply provided by the designated spaces, vehicles may be parked in other available areas onsite (e.g. along interior agricultural roads, etc.) so long as they are outside of the emergency access corridors as indicated on a Parking Management Plan. Where appropriate as determined by the Fire Department, “no parking” signs, red painted curbs, and/or other emergency access way designations shall be installed onsite. **Plan Requirements:** The applicant shall provide P&D with a Parking Management Plan that includes this parking restriction and indicates on a site plan where additional parking would be located. This plan shall include the required emergency access ways where no parking is to be allowed. This Plan shall indicate the name and telephone number of the onsite contact person responsible for parking management. **Timing:** This Parking Management Plan shall be submitted to P&D and the Fire Department for review and approval prior to issuance of a zoning clearance permit for the winery. All required emergency access way designations shall be installed prior to occupancy clearance

MONITORING: Permit Compliance shall ensure that all elements of the Parking Management Plan are installed prior to occupancy clearance for the winery, and shall respond to complaints.

Water Resources/Flooding

18. Filter/Insert, Inline clarifiers, or Separator Installation. To minimize pollutants impacting downstream water bodies or habitat, storm drain filters/inserts, inline clarifiers, or separators shall be installed in all proposed storm drain catch basins/inlets in paved areas. The filters/inserts shall be maintained in working order. **Plan Requirements:** Prior to zoning clearance issuance for any phase of the proposed project, the applicant shall submit detailed engineering plans identifying the type and location of filters/inserts to P&D and public works for review and approval. The location of such filters/inserts shall be noted on all grading and building plans. Said plans shall be accompanied by a manual specifying the requirements and schedule for cleaning and maintaining the filters. At a minimum, filters/inserts shall be cleaned using approved methods at least twice a year, once immediately prior to November 1 (i.e. before the start of the rainy season), and once in January. Additional maintenance/cleaning may be required by P&D. Cleaning and filter maintenance shall be the sole responsibility of the property owner. **Timing:** Filters/inserts for each phase of development shall be installed prior to final inspection for the corresponding phase of the project.

MONITORING: The project engineer responsible for preparation of the aforementioned plans to minimize the potential for water pollutant release from the site shall supervise and monitor installation of said facilities in the field. Prior to final inspection for each phase of construction, the applicant shall submit certification from the project engineer responsible for designing said improvements that they have been installed/constructed per the approved plans. Public Works Water Resources staff shall site inspect to verify in the field prior to final inspection for each phase of construction. Records of maintenance shall be maintained by the owner/operator of the winery, and shall be submitted to P&D for review by Permit Compliance and Public Works Water Resources staff on an annual basis prior to the start of the rainy season until completion of the final phase of the project. After completion of the final phase of the project, the records shall be maintained by the owner/operator of the winery and shall be available to P&D upon request. Permit Compliance and Public Works Water Resources staff shall review the maintenance records and site inspect as needed following completion of construction of construction to ensure periodic maintenance and cleaning.

19. Storm Drain Labeling. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building and grading plans prior to approval of grading and land use permits. Labels shall be installed prior to occupancy clearance.

Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading and land use permits.

MONITORING: P&D shall site inspect prior to occupancy clearance.

- 20. Construction Wash Requirements.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to storm drains, street, drainage ditches, creeks, rivers, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body, or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted on all plans submitted for approval of a zoning clearance for any phase of the project, and signs identifying such areas shall be posted onsite during all construction activities. **Plan Requirements:** The applicant shall designate a washout area acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to zoning clearance issuance for any phase of project construction, and signs identifying such areas shall be posted onsite prior to commencement of any construction activities. The washout area(s) shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to zoning clearance issuance for any phase of the project. Permit Compliance shall periodically site inspect throughout construction to verify proper use and maintenance of the wash out area(s).

- 21. Application of concrete, Asphalt, and Seal Coat.** To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements & Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to zoning clearance issuance.

MONITORING: Permit Compliance shall periodically site inspect to verify compliance as needed during construction.

- 22. Best Management Practices (BMP's).** The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as landscaped areas for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. The BMPs shall be described and detailed on the site, grading and drainage and landscape plans, and

depicted graphically. A maintenance program shall be specified in an inspection and maintenance plan and include maintenance inspections at least once/year. Long term maintenance shall be the responsibility of the landowner. A maintenance program shall be specified in a maintenance program submitted by the landowner for commercial/industrial sites and recorded with the Clerk of the Board. The plans and a copy of the long-term maintenance program shall be submitted to P&D and Public Works, Water Resources Division staff, for review prior to zoning clearance issuance. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspections at least once/year and retain proof of inspections. **Plan Requirements and Timing:** The location and type of BMP shall be shown on the site, building and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior issuance of zoning clearance.

MONITORING: P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by P&D upon request.

- 23. Incorporation of Pervious Materials or Surfaces.** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans. The plans shall be submitted to P&D for review prior to zoning clearance issuance.

MONITORING: P&D shall site inspect for installation.

- 24. Outdoor Material Storage Requirements.** Where proposed project plans include outdoor material storage areas that could contribute pollutants to the storm water conveyance system, the following measures are required:

1) Materials with the potential to contaminate storm water must either be (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (b) protected by a secondary containment structure such as berm, dike, or curb and covered with a roof or awning.

2) The storage area must be paved and sufficiently impervious to contain leaks and spill or otherwise be designed to prevent discharge of leaks or spills into the storm water conveyance system.

MONITORING: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

25. Compliance with Santa Barbara County Flood Control Conditions of Approval. Prior to Zoning Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval and shall submit improvement plans, grading and drainage plans, and a drainage study to the District for review and approval. All encroachment permits, off-site easements and other permits that may be required shall be obtained by the applicant. **Plan Requirements/Timing:** County Flood Control, Project Clean Water (Water Resources Division), and the Regional Water Quality Control Board, as applicable, shall approve plans, encroachment permits, off-site easements and other permits, as necessary shall be obtained prior to the issuance of Zoning Clearance.

MONITORING: Permit Compliance personnel shall inspect the site to ensure compliance.

26. Drainage Plans. Drainage shall be consistent with approved drainage plans. **Plan Requirements:** Prior to zoning clearance issuance, a drainage plan shall be submitted to P&D and Flood Control for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and amount of water that would flow from each pipeline. **Timing:** The components of the drainage plan shall be implemented prior to zoning clearance issuance.

MONITORING: P&D shall site inspect during grading.

27. California Regional Water Quality Control Board. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements/Timing:** Prior to approval of zoning clearances the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D and Public Works. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

MONITORING: Grading inspectors shall site inspect for compliance with the SWPPP during grading and construction activities.

28. Trash Containers. All trash container areas must meet the following requirements:
1) Trash container areas must divert drainage from adjoining paved areas.
2) Trash container areas must be protected and regularly maintained to prevent off-site transport of trash.

MONITORING: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

29. Dock Area Design Criteria. The following design criteria are required for all loading/unloading dock areas:

- 1) Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- 2) Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

MONITORING: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

III. PROJECT SPECIFIC CONDITIONS

30. The permittee shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include but is not limited to the following measures:

- a. Implementation of a green waste source reduction program, including the disposal of stems, leaves and skins of grapes by drying, spreading, and disking the waste into the soil on the project site and/or other parcels under the Sweeney Canyon, LLC ownership.

Plan Requirement and Timing: The applicant shall submit a Solid Waste Management Program to P&D and EHS for review and approval prior to zoning clearance issuance. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

31. Annual wine production is limited to 5,000 cases per year based on the 2.5 acres of vineyards planted onsite (1,000 cases per year / 0.5 acre of vineyard). In order to reach the approved maximum of 10,000 cases per year, an additional 2.5 acres of vines shall be planted. To ensure adherence with LUDC Section 35.42.280 requirements for case production based on the specified percentages of: 1) vineyard acreage onsite; and 2) grapes grown onsite; the operator shall provide a written annual report by January 31 of each year to Permit Compliance staff indicating: 1) the number of cases produced at the facility; 2) the source of all grapes processed onsite; 3) the percentage of grapes grown offsite; and 4) total acreage of vineyards planted onsite.

Plan Requirements/Timing: The applicant shall submit the required annual report by January 31 of each year to P&D Permit Compliance staff for review and approval.

IV. CONDITIONS UNIQUE TO DEVELOPMENT PLANS

32. Approval of the Final Development Plan shall expire ten (10) years after approval by the

Board of Supervisors, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

33. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit #1, dated May 12, 2010. Substantial conformity shall be determined by the Director of P&D.
34. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but un-built plans shall become null and void.
35. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a LUP/CDP.
36. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to zoning clearance issuance.

V. COUNTY RULES AND REGULATIONS

37. **Additional Approvals Required:** Approval of this Final Development Plan is subject to the Board of Supervisors approving the required rezone.
38. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Zoning Clearance and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
39. **Signed Agreement to Comply Required:** Prior to Zoning Clearance issuance for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
40. **Landscape Requirements:** One performance security shall be provided by the applicant prior to Zoning Clearance issuance, equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts

shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. Landscaping shall be maintained for the life of the project. The maintenance security shall guarantee compliance with the provision below:

- a. Maintenance of planting, irrigation, and seeding materials consistent with the final landscaping plans approved by the BAR prior to occupancy clearance.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the maintenance security.

41. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated March 30, 2009
- b. Environmental Health Services dated March 22, 2010
- c. Fire Department dated March 19, 2009
- d. Flood Control dated March 19, 2009
- e. Public Works Project Clean Water dated September 19, 2009
- f. Public Works Transportation Division dated March 24, 2010

42. Print & illustrate conditions on plans: All applicable Board of Supervisors final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

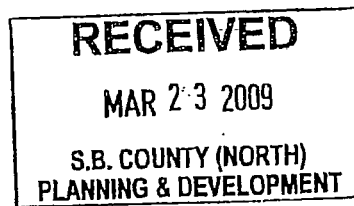
43. Mitigation Monitoring required: The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
- c. Pay fees prior to approval of zoning clearance as authorized under ordinance

and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

- 44. Fees Required:** Prior to zoning clearance issuance the applicant shall pay all applicable P&D permit processing fees in full.
- 45. Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
- 46. Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Rezone and Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 47. Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

Memorandum



DATE: March 19, 2009

TO: Dana Carmichael
Planning and Development
Santa Maria

FROM: Dwight Pepin, Captain
Fire Department

A handwritten signature in dark ink, appearing to be "D. Pepin".

SUBJECT: APN: 099-150-053; Permit #: 09DVP-00005/09RZN-00004
Site: 2050 Sweeney Road, Lompoc
Project Description: Winery, Tier III

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.
2. Santa Barbara County High Fire Hazard Area Requirements must be met.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

3. All access ways (public or private) shall be installed and made serviceable.
Driveway width shall be a minimum of 30 feet as shown on plans dated February 6, 2009.
4. Three fire hydrants shall be installed. Fire hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Plans shall be approved by the fire department prior to installation.
5. Plans for a stored water fire protection system shall be approved by the fire department. Water storage shall be 37,500 gallons above the amount required for domestic usage and shall be reserved for fire protection purposes exclusively.
6. If connection to a public water supply is not available and the current or anticipated system will not meet minimum flow requirements, a fire department approved fire pump capable of delivering a fire flow of 1,250 gallons per minute shall be installed in compliance with N.F.P.A. Standard #20. The fire pump shall be supervised by a U.L. listed central station and be equipped with a local alarm bell on the address side of the building. The stored water for fire protection shall be 37,500 gallons and comply with N.F.P.A. Standard #22.

The on-site water supply system shall be stubbed out to facilitate connection to the water district or purveyor when available. Connection to a water district or purveyor mains shall be accomplished within 180 days of availability.

Pumps powered by diesel IC engines rated over 50 brake-horsepower are subject to the requirements of the Santa Barbara County Air Pollution Control District (APCD). An APCD permit must be obtained prior to the procurement and installation of the diesel IC engine.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

7. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved by the fire department prior to installation. Location of any fire department connection shall be determined by the fire department.
8. Santa Barbara County Fire Department fire or emergency alarm system requirements shall be met. Plans shall be approved by the fire department prior to installation.
9. Portable fire extinguishers are required.
10. Building address numbers shall be posted as required by fire department.
11. Access way entrance gates shall conform to fire department standards.
12. When access ways are gated a fire department approved locking system shall be installed.
13. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

ADVISORY

14. Permits for the use and storage of hazardous material / hazardous wastes are required prior to operation.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information, please telephone 805-681-5523 or 805-681-5500.

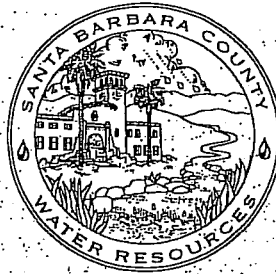
DP:mkb

- c Joe Rushing, PO Box 82, Buellton 93427
Shelly Ingram, MNS Engineers, 201 Industrial Wy, Buellton 93427
Vladimir Milosevic, 991 Longview Av, Pismo Beach 93449
John A. Smith, Tartaglia Engineering, PO Box 1930, Atascadero 93423

RECEIVED

MAR 20 2009

S.B. COUNTY
PLANNING & DEVELOPMENT



Santa Barbara County Public Works Department
Flood Control & Water Agency

March 19, 2009

Dana Carmichael, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

RECEIVED
MAR 23 2009
S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

Re: 09DVP-00000-00005; Sweeney Canyon LLC Winery
APN: 099-150-063, -040; Lompoc

Dear Ms. Carmichael:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated November 2007 (www.countyofsb.org/pwd/water/downloads/StdCond_PlnApproval.pdf), or the most recent standard conditions.
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.
- c. The proposed project shows proposed offsite drainage improvements. Easements will be required for these improvements. If easements are unable to be obtained, then all proposed work shall remain onsite.


2. Prior to Land Use Clearance

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code. The District approved Top of Bank of the Santa Ynez River and a minimum 200-foot development setback shall be shown on the plans.
- b. The limits of the 100-year Floodplain and Floodway as shown on the current FEMA Flood Insurance Rate Map (FIRM) shall be indicated on the plans. Any new construction or substantial improvement within the Floodplain shall be designed in compliance with the requirements described in Chapter 15A of the Santa Barbara County Code.

- c. For any proposed development within the Floodway, the applicant shall submit a Floodway encroachment analysis prepared by a registered Civil Engineer, which certifies that "no rise" in the 100-year Base Flood Elevation (BFE) will occur as a result of the development.
 - d. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies, and landscape plans to the District for review and approval.
 - e. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
 - f. Detention basins are required and shall be designed such that the post-development peak discharge rate does not exceed the pre-development rate for the 2-year through 100-year storm events.
 - g. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
 - h. The applicant shall acquire and supply proof of drainage easements for off-site drainage conveyances.
 - i. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement).
 - j. The applicant shall submit to the District electronic drawings in PDF format of the approved Final Map, grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc along with one hard copy of each.
3. Prior to Occupancy Clearance
- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
 - b. The applicant shall submit a Project Summary Report in PDF format to the District.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: 

Nick Bruckbauer
Development Review Engineer

Cc: Dana Carmichael, Planning & Development
Sweeny Canyon, LLC, P.O. Box 82, Buellton, CA 93427
MNS Engineers, 201 Industrial Way, Buellton, CA 93427
Tartaglia Engineering, P.O. Box 1930, Atascadero, CA 93423
Vladimir Milosevic, 991 Longview Avenue, Pismo Beach, CA 93449



County of Santa Barbara Public Works Department
 Project Clean Water
 123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101
 (805) 568-3440 FAX (805) 568-3434
 Website: www.countyofsb.org/project_cleanwater

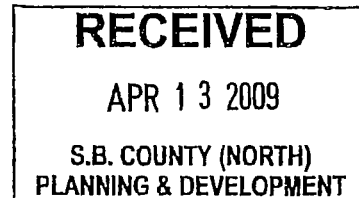


SCOTT D. MCGOLPIN
 Director

THOMAS D. FAYRAM
 Deputy Director

September 19, 2009

Dana Carmichael
 County of Santa Barbara
 Planning & Development Department
 624 W. Foster Road
 Santa Maria, CA 93455



Re: 09DVP-00000-0005 Sweeney Canyon Winery
 APN: 099-150-063, -040; Lompoc

Dear Ms. Carmichael:

The above referenced project is subject to the County of Santa Barbara's Standard Conditions for Project Plan Approval – Water Quality BMPs. The conditions apply because the project is more than 0.5 acres of commercial development and/or more than 25 parking stalls exposed to storm water. These conditions require appropriate treatment of runoff from impervious surfaces for the design storm to remove potential pollutants (see attached conditions).

The following specific provisions apply:

1. Prior to issuance of Zoning Clearance or Building or Grading Permits, the applicant shall submit to the Water Resources Division (attention: Project Clean Water) for review and approval either A) improvement plans, grading & drainage plans, landscape plans, and a drainage study or B) a Storm Water Quality Management Plan that includes relevant details on improvements, grading & drainage, and landscaping.

At a minimum, the submittal(s) must:

- a. show the locations of all treatment facilities and their drainage (treatment) areas,
 - b. demonstrate how the treatment facilities comply with the conditions by treating runoff from the design storm, and
 - c. include a long-term maintenance plan appropriate for the proposed facilities.
2. Prior to issuance of Zoning Clearance or Building or Grading Permits, applicant shall submit the long-term maintenance plan for review and approval. The maintenance plan must identify

the party responsible for maintenance of all required storm water runoff treatment control facilities and assure perpetual maintenance of the facilities. The maintenance plan shall be recorded with the County Clerk-Recorder.

3. Prior to issuance of Occupancy Clearance, all drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and *certified by a Registered Civil Engineer*. A set of As-Built plans shall be submitted to Water Resources Division. A Drainage Improvement Certificate shall be signed and stamped by the engineer of record and be submitted to the Water Resources Division (attn: Cathleen Garnand).

Note that the applicant will be required to pay the current plan check fee deposit at the time the Storm Water Quality Management Plan or equivalent is submitted for review and approval.

Sincerely,



Cathleen Garnand
Civil Engineering Associate

Attachment Standard Conditions

Cc: Dana Carmichael, Planning & Development
 Sweeney Canyon, LLC, P.O. Box 82, Buellton, CA 93427
 MNS Engineering, 201 Industrial Way, Buellton, CA 93427
 Tartaglia Engineering, P.O. Box 1930, Atascadero, CA 93423
 Vladimir Milosevic, 991 Longview Avenue, Pismo Beach, CA 93449

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



March 24, 2010

TO: Dana Carmichael, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Conditions of Approval (3 pages)
Barrack Winery Development Plan
09DVP-00000-00005
APN: 099-150-063/ Lompoc**

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Unincorporated Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$3,138 (6 newly generated peak hour trips x \$523/peak hour trip). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

2. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Driveways/Drive Aisles

3. Prior to land use clearance or tract/parcel map approval the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.
4. Prior to occupancy, the developer shall design and construct the driveway ingress and egress to conform to the County of Santa Barbara Engineering Design Standards.

Street Sections/Pavement Traffic Index

5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards under an approved encroachment permit. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

Encroachment/Excavation Permit

6. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work within the public road right of way; and obtain approval, after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section. The submittals shall include, but are not limited to, all construction documents for safety, erosion and traffic control, landscape, lighting, roads, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, etc. as required to fully show the proposed work and its value.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, and connections.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Public Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

7. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
8. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
9. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Off-Site Road Improvements

10. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall reimburse the applicant for all applicable real property, engineering and construction costs.

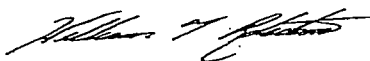
Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's.

If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,

 03/24/2010

William T. Robertson

Date

cc: 09DVP-00000-00005
Chris Sneddon, Transportation Manager, County of Santa Barbara, Public Works Department
F:\Group\Transportation\TRAFFIC\Transportation Planning\Development Review\WTNE\Sweeney Winery Development Plan 09DVP-Cond.doc

ATTACHMENT D: DRAFT ORDINANCE/RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)
TO THE BOARD OF SUPERVISORS THAT)
AN ORDINANCE BE APPROVED AMENDING)
SECTION 35-1, THE SANTA BARBARA)
COUNTY LAND USE AND DEVELOPMENT)
CODE, OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE, BY AMENDING)
THE COUNTY ZONING MAP BY CHANGING)
THE ZONING OF ASSESSOR'S PARCEL)
NUMBER 099-150-063 FROM 40-AG to AG-II-40)
_____)

RESOLUTION NO.: 10-01

CASE NO.: 09RZN-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. On July 2, 1979, pursuant to 77-RZ-20, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor's Parcel Number 099-150-063 from 40-AG to AG-II-40 based on the findings included as Attachment A of the Planning Commission staff report dated March 26, 2010.

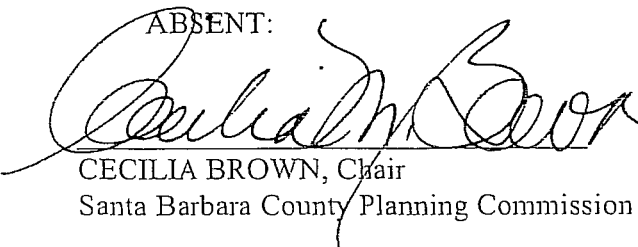
PASSED, APPROVED AND ADOPTED this _____, 2010 by the following vote:

AYES: Cooney, Brown, Valencia, Blough

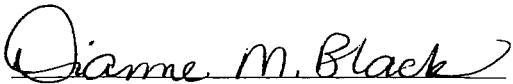
NOES: Brooks

ABSTAIN:

ABSENT:


CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:



Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By 
Deputy County Counsel

G:\GROUP\PERMITTING\Case Files\DVP\09 Cases\09DVP-00000-00005 Sweeney Canyon\Planning
Commission\Sweeney PC Rezone Resolution.docx

EXHIBIT 1

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT) DRAFT

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL Number 099-150-063

Case No. 09RZN-00000-00004

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 099-150-063 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, which re-designates Assessor's Parcel Number 099-150-063, from 40-AG to AG-II-40, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the ~~boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.~~

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Janet Wolf, Chair, Board of Supervisors
County of Santa Barbara
State of California

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel